

FILED

IN THE UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF TENNESSEE

DEC 07 2023

Chancery Court
Eastern District of Tennessee
At Knoxville

IN THE MATTER OF THE
SEARCH OF 2019 CHRYSLER
PACIFICA, TENNESSEE
REGISTRATION # 615 BLWZ
(VIN 2C4RC1BG8KR650895)
REGISTERED TO TRICHEL
CLEOPATHRA BENNETT

No.: 3:23-MJ-1217

I, Connor A. Caruso, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND OFFICER BACKGROUND

Your Affiant is currently investigating the serious bodily injury of Mr. Jason McDonald, who was the passenger in a motor vehicle which was involved in a traffic crash on the night of November 28, 2023, on US Highway 441 South (The Spur) in Sevier County, within the boundary of the Great Smoky Mountains National Park, in the Eastern District of Tennessee. Mr. Jason McDonald sustained serious bodily injury as a result of the traffic crash and was transported to the University of Tennessee Medical Center at 1924 Alcoa Highway in Knoxville, Tennessee. The driver, Mr. Odian Antoy Jemmison, sustained injury as a result of the traffic crash and was transported to LeConte Medical Center at 742 Middle Creek Road in Sevierville, Tennessee. In order to further this investigation, this Affiant is requesting a search warrant for an airbag control module, power train

module, or the like thereof, containing data and records of approximate vehicle speed, engine speed, braking, amount of throttle, restraint usage, etc., preceding and during impact for a 2019 Chrysler Pacifica, Tennessee Registration # 615 BLWZ (VIN 2C4RC1BG8KR650895) registered to Trichel Cleopatra Bennett, located at the Everything Auto Towing Impound Lot, 211 Newman Road Gatlinburg, TN 37738. The vehicle is subject to a law enforcement hold.

1. I am a Federal Law Enforcement Officer with the United States Department of the Interior, National Park Service, presently working in the Great Smoky Mountains National Park (GSMNP). I have been employed as a federal law enforcement officer since 2021. In my law enforcement career, I graduated from the Land Management Police Training at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, which was a nineteen-week police academy. I graduated from the Park Ranger Law Enforcement Academy (PRLEA) at Temple University, which was a nineteen-week police academy. During all training programs, I studied various aspects of investigating and enforcing federal criminal laws. Throughout my career, I have investigated criminal violations involving federal and state laws. During this period of service, I have received formal training and investigative experience in general criminal statute enforcement and traffic crash investigation.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other officers and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

3. Based on my training, experience, and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, Section 13 Tennessee Criminal Code 39-13-103, 55-10-205, and violations of Title 36 Code of Federal Regulations have been committed by Mr. Odian Antoy Jemmison. There is also probable cause to search the 2019 Chrysler Pacifica, Tennessee Registration # 615 BLWZ (VIN 2C4RC1BG8KR650895) registered to Trichel Cleopatra Bennett, described in Attachment A, for an airbag control module, power train module or the like thereof, containing data and records of approximate vehicle speed, engine speed, braking, amount of throttle, restraint usage, etc., preceding and during impact, as described in Attachment B.

PROBABLE CAUSE

4. On the night of November 28, 2023, first responders were dispatched to a single vehicle traffic crash on U.S. Highway 441 South (The Spur) approximately one mile south of the Gum Stand exit in Sevier County, in the

Eastern District of Tennessee within the boundary of the Great Smoky Mountains National Park. Upon arriving at the scene, emergency medical personnel (EMS) transported Mr. Jason McDonald to the University of Tennessee Medical Center where he was admitted to the intensive care unit to treat serious bodily injuries sustained during the motor vehicle crash. Mr. Odian Antoy Jemmison was transported to LeConte Medical Center where he was admitted and later discharged with minor injuries.

5. On November 29, 2023, this affiant arrived at the scene of the traffic crash and observed a black 2019 Chrysler Pacifica passenger car with Tennessee registration 615 BLWZ with a vehicle identification number of 2C4RC1BG8KR650895. The vehicle was positioned upside down resting on the roof towards the center of the roadway. Law enforcement officers from the Pigeon Forge Police Department were on scene and provided assistance to this affiant who is the lead crash investigator.

6. The traffic crash occurred when Mr. Odian Antoy Jemmison, who was operating the 2019 Chrysler Pacifica listed, drove off the left side of US Highway 441 South (The Spur) and struck an earthen embankment, causing the vehicle to overturn and come to an uncontrolled rest approximately 200 feet from the area of impact. During the traffic crash, the front seat passenger, Mr. Jason McDonald, was ejected from the vehicle onto the ground causing serious bodily injury.

7. During the investigation, a strong odor of marijuana was present in the passenger compartment of the vehicle. A cellophane bag containing green leafy substance consistent with marijuana was discovered on the road surface and assorted drug paraphernalia was found in and around the vehicle. An open glass container of "Corona Extra" containing liquid was found off the road surface near the vehicle. The vehicle was towed and secured in the impound lot of Everything Auto Towing in Gatlinburg, Tennessee.

8. US Highway 441 South (The Spur) is a two-lane undivided roadway posted at 45 miles per hour. The roadway is not illuminated with an artificial light source. Traffic control signage indicating a curve in the road near the area of impact was present and functioning prior to the traffic crash. The roadway surface was dry and the weather conditions were clear and cold immediately following the traffic crash.

9. On November 29, 2023, this affiant spoke with Mr. Odian Antoy Jemmison and he admitted to driving the 2019 Chrysler Pacifica that night. Mr. Odian Antoy Jemmison stated he was driving "with a bit of speed, but not too fast" which he described as approximately 80 miles per hour on US Highway 441 South (The Spur) when he became distracted and failed to negotiate a curve in the road leading the vehicle off the road surface into an earthen embankment. Mr. Odian

Antoy Jemmison admitted to consuming marijuana at approximately 0855 hours on November 28, 2023, but denied consuming alcohol.

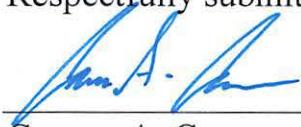
10. This Affiant knows through training and experience as a law enforcement officer that the Tennessee Highway Patrol Critical Incident Response Team is certified in basic crash training, advanced technical crash training, crash reconstruction training, crash data retrieval, and advanced collision reconstruction with crash data retrieval. Therefore, the affiant believes that the Tennessee Highway Patrol Critical Incident Response Team can assist with gathering information that may have been recorded by the Chrysler Pacifica that would assist in the crash investigation.

11. This affiant is seeking a search warrant authorizing the Tennessee Highway Patrol Critical Incident Response Team to search the area described in Attachment A to seek the items described in Attachment B.

CONCLUSION

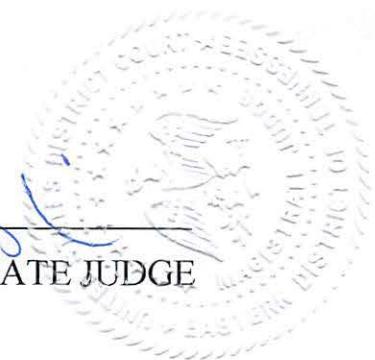
12. I submit that this affidavit supports probable cause for a search warrant authorizing the search described in Attachment A to seek the items described in Attachment B.

Respectfully submitted,


Connor A. Caruso
Officer, National Park Service

Subscribed and sworn to before me
on 12/15, 2023


UNITED STATES MAGISTRATE JUDGE



ATTACHMENT A

2019 Chrysler Pacifica, Tennessee Registration # 615 BLWZ (VIN
2C4RC1BG8KR650895) Registered to Trichel Cleopatra Bennett located at the
Everything Auto Towing Impound Lot, 211 Newman Road Gatlinburg, TN 37738.

ATTACHMENT B

Evidence of the following described property, to wit: an airbag control module, power train module or the like thereof, containing data and records of approximate vehicle speed, engine speed, braking, amount of throttle, restraint usage, etc., preceding and during impact, which occurred on November 28, 2023, at approximately 11:30 p.m., located in the interior or exterior of said vehicle in Attachment A.